

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Monday, August 07, 2017

Hearing Room 1568

10:00 AM

2:15-11885 Sung Hyun Chung

Chapter 7

#1.00 Hearing
RE: [110] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: state court action for damages . (Prince, David)

FR 7-10-17; 7-13-17

Docket 110

Tentative Ruling:

Tentative Ruling:

The Court previously continued this Motion for lack of proper service on the pro se Debtor. Movant cured the service deficiency by appropriately filing a notice of the continued hearing date on the Debtor, as ordered by the Court. Doc. No. 117. Therefore, the Court finds notice and service sufficient. The failure of the debtor, the trustee, and all other parties in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9013-1(f) is considered as consent to the granting of the motion. LBR 9013-1(h). *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

The Court previously denied the Debtor a discharge pursuant to §§ 727(a)(2)(B), (a)(3), (a)(4)(A), (a)(4)(D), and (a)(5). *See Elissa D. Miller v. Sung Hyun Chung* 2:16-ap-01152-ER, Doc. No. 30 (filed March 23, 2016). Therefore, the automatic stay terminated as to the Debtor pursuant to section 362(c)(2)(C).

The motion is granted pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to proceed under applicable non-bankruptcy law to enforce its remedies to proceed to final judgment in the non-bankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against bankruptcy estate property only.

The 14-day period specified in Fed.R.Bankr.P. 4001(a)(3) is waived. This order shall be binding and effective despite any conversion of the bankruptcy case to a

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case under any other chapter of Title 11 of the Unites States Code.

The stay is also annulled retroactive to the petition date, so that enforcement actions taken by Movant, if any, before receipt of notice of the automatic stay will not be deemed to have been voided by the automatic stay. All other relief is denied.

Movant shall upload an appropriate order via the Court's Lodged Order Upload system within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Nathan Reinhardt, the Judge's law clerks at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, ext. 188 no later than one hour before the hearing.

Party Information

Debtor(s):

Sung Hyun Chung

Represented By
Steven J Barkin

Trustee(s):

Elissa Miller (TR)

Represented By
Matthew A Lesnick